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Comments from Senator Richard J. Durbin, United States Senator

I appreciate the opportunity to comment on the Draft Preliminary Food Safety Strategic Plan for Public Review. I will limit my comments to the "Organizational Considerations" section of the Strategic Plan.

Under the "Organizational Considerations" section, several options are listed as potential courses of action to fulfill the overarching goal of the food safety system which you have outlined in the strategic plan — "to protect public health by significantly reducing the prevalence of foodborne hazards." These options are:

1. Coordinated Federal Food Safety System
2. Specific Consolidations of Food Safety Functions
3. Lead Agency Approach
4. Consolidated Agency within Existing Department/Organization
5. New Consolidated, Stand Alone Food Safety Agency

I urge you to consider the fifth option — a "New Consolidated, Stand Alone Food Safety Agency" — as the best approach to fulfill the goal "to protect public health by significantly reducing the prevalence of foodborne hazards."

While our country has been blessed with one of the safest and most abundant food supplies in the world, we can do better. Foodborne illness remains a significant problem.

The safety of our nation's food supply is facing tremendous pressures with regard to emerging pathogens, an aging population with a growing number of people at high risk for foodborne illnesses, broader food distribution patterns, an increasing volume of food imports, and changing consumption patterns.

According to a recently released study by the Centers for Disease Control and Prevention (CDC), tainted food leads to an estimated 325,000 serious illnesses resulting in hospitalizations each year, along with 76 million cases of gastrointestinal illnesses and 5,000 deaths annually. According to the U.S. Department of Agriculture (USDA), medical costs and productivity losses as a result of foodborne illness costs the nation up to \$37 billion annually.

The situation is not likely to improve without decisive action. The U.S. Department of Health and Human Services (DHHS) predicts that foodborne illnesses and deaths will increase 10-15 percent over the next decade.

In 1997, a Princeton Research survey found that 44 percent of Americans believe the food supply in this country is less safe than it was 10 years ago. American consumers spend more than \$617 billion annually on food, of which about \$511 billion is spent on foods grown on U.S. farms. Our ability to assure the safety of our food and to react rapidly to potential threats to food safety is critical not only for public health, but also for the vitality of both our domestic rural economies and international trade.

Recent events in Europe highlight why it is so important that our food safety system lead to consumer satisfaction and confidence. Due to reports that foods in Belgium were tainted with dioxin, a cancer-causing agent, days before the national elections, poultry, eggs, pork, beef, and dairy products were withdrawn from supermarket shelves. Butcher shops closed and livestock farms were quarantined. Public outrage in Belgium over the dioxin scandal led to a disastrous showing by the ruling party in the national and European elections on June 14, 1999, and the government was forced to resign. Since then, numerous countries have restricted imports of eggs, chickens, and pork from the European Union.

Today, food moves through a global marketplace. This was not the case in the early 1900s when the first federal food safety agencies were created. Throughout this century, Congress has responded by adding layer upon layer-agency upon agency- to answer the pressing food safety needs of the day. That's how the federal food safety system got to the point where it is today.

Currently, there are at least 12 different federal agencies and 35 different laws governing food safety, and 28 House and Senate subcommittees with food safety oversight. With overlapping jurisdictions, federal agencies often lack accountability on food safety-related issues. Fragmentation of our food safety system is a burden that must be changed to protect the public health.

Federal agencies responsible for regulating the safety of the U.S. food supply are:

Food and Drug Administration

1. **Center for Food Safety and Applied Nutrition (CFSAN):** CFSAN is responsible for (1) conducting and supporting food safety research, (2) developing and overseeing enforcement of food safety and quality regulations, (3) coordinating and evaluating FDA's food surveillance and compliance programs, (4) coordinating and evaluating cooperating states' food safety activities, and (5) developing and disseminating food safety and regulatory information to consumers and industry.
2. **Center for Veterinary Medicine (CVM):** CVM is responsible for ensuring that all animal drugs, feeds (including pet foods), and veterinary devices are safe for animals, are properly labeled, and produce no human health hazards when used in food-producing animals.

U.S. Department of Agriculture

3. **Food Safety and Inspection Service (FSIS):** FSIS regulates the safety, wholesomeness, and proper labeling of most domestic and imported meat and poultry sold for human consumption.
4. **Agricultural Research Service (ARS):** ARS performs food safety research in support of FSIS's inspection program.
5. **Animal and Plant Health Inspection Service (APHIS):** APHIS protects the nation's food supply through programs to protect plant and animal resources from domestic and foreign pests and diseases, such as brucellosis and bovine spongiform encephalopathy (BSE, or "mad cow" disease).
6. **Agricultural Marketing Service (AMS):** AMS has food safety responsibilities for eggs and egg products that are similar to FSIS' responsibilities for meat and poultry.
7. **Federal Grain Inspection Service (FGIS):** FGIS' primary mission is to facilitate the marketing of grain, oilseeds, pulses (e.g., dry peas), rice, and related commodities, but it also has some food safety and quality responsibilities. FGIS conducts a voluntary domestic program for the inspection of grain, rice and edible dry beans. This program inspects for quality, aflatoxin, and for other chemical residues. FGIS also frequently conducts sanitation inspections as part of its inspection and grading service.

Department of Commerce

8. **National Marine Fisheries Service (NMFS):** Although the FDA is the primary agency responsible for ensuring the safety, wholesomeness and proper labeling of domestic and imported seafood products, the NMFS conducts, on a fee-for-service basis, a voluntary seafood inspection and grading program that focuses on marketing and quality attributes of U.S. fish and shellfish. Agency officials estimate that the program covers about 20 percent of the seafood consumed annually in the U.S.

Environmental Protection Agency

9. **Office of Pesticide Programs (OPP):** OPP has the statutory responsibility for ensuring that the chemicals used on food crops do not endanger public health.

Department of Health and Human Services

10. **Centers for Disease Control and Prevention (CDC):** CDC provides surveillance and conducts investigations of foodborne disease outbreaks.

Department of Treasury

11. **Bureau of Alcohol, Tobacco, and Firearms (BATF):** BATF enforces the laws that cover the production, distribution, and labeling of alcoholic beverages. By agreement with FDA, the Bureau also has primary federal responsibility for ensuring the safety of alcoholic beverages.
12. **Customs Service:** The Customs Service assists other federal food safety agencies in carrying out their import monitoring and inspection responsibilities, for example, by collecting samples for testing.

Last August, the National Academy of Sciences (NAS) released a report recommending the establishment of a “unified and central framework” for managing federal food safety programs, “one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities.” I agree with this conclusion.

The Administration has taken some important steps on the issue of food safety. The President's Food Safety Initiative and the President's Council on Food Safety have focused efforts to track and prevent microbial foodborne illnesses. Earlier this year in response to the NAS report, the President's Council on Food Safety recommended that, "Congress and the Administration should require development of a comprehensive national food safety plan. Funds appropriated for food safety programs (including research and education programs) should be allocated in accordance with science-based assessments of risk and potential benefit." Another recommendation from the President's Council stated that, "To implement a science-based system, Congress should establish by statute a unified and central framework for managing federal food safety programs, one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities, including outbreak management, standard-setting, inspection, monitoring, surveillance, risk assessment, enforcement, research, and education."

The General Accounting Office (GAO) has been unequivocal in its recommendation for consolidation of federal food safety programs. GAO's April 1998 report states that "since 1992, we have frequently reported on the fragmented and inconsistent organization of food safety responsibilities in the federal government." In a May 25, 1994 report, GAO cites that its "testimony is based on over 60 reports and studies issued over the last 25 years by GAO, agency Inspectors General, and others." The Appendix to the 1994 GAO report lists: 49 reports since 1977, 9 USDA Office of Inspector General reports since 1986, 1 HHS Office of Inspector General report in 1991, and 15 reports and studies by Congress, scientific organizations, and others since 1981.

On November 1, 1999, GAO in its report on government waste, pointed to the lack of coordination of federal food safety efforts as an example. The report stated, "The federal system to ensure the safety and quality of the nation's food is inefficient and outdated and does not adequately protect the consumer against foodborne illness. As many as 12 different agencies administer over 35 different laws that oversee food safety. As a result, the current food safety system suffers from overlapping and duplicative inspections, poor coordination, and inefficient allocation of resources. To improve the effectiveness and efficiency of the federal food safety system, the Congress could consider the consolidation of federal food safety agencies and activities under a single, risk-based food safety inspection agency with a uniform set of food safety laws."

Over 20 years ago, the Senate Committee on Governmental Affairs also advised that consolidation is essential to avoid conflicts of interest and overlapping jurisdictions. In a 1977 report, the committee stated, "While we support the recent efforts of FDA and USDA to improve coordination between the agencies, periodic meetings will not be enough to overcome [these] problems." This statement is just as true today as it was then.

Creating a single food safety agency is not a novel idea. Numerous countries have acted on this approach for different reasons and in different ways. For example, Ireland consolidated all food safety responsibilities in an agency under the minister of health as a response to public concerns over the safety of their food. Canada and Denmark, in an effort to create a more effective program which would also lead to cost savings, consolidated food safety activities in agencies that report to their ministers of agriculture. These countries incurred short-term start-up costs in establishing their new agencies but are expecting long-term benefits in terms of money saved and protection of public health.

A single, independent agency with uniform food safety standards and regulations based on food hazards would provide an easier framework for implementing U.S. standards in an international context. When our own agencies don't have uniform safety and inspection standards for all potentially hazardous foods, the establishment of uniform international standards will be next to impossible.

Research could be better coordinated within a single agency than among multiple programs. Currently, federal funding for food safety research is spread over at least 20 federal agencies, and coordination among those agencies is ad hoc at best.

New technologies to improve food safety could be approved more rapidly with one food safety agency. Currently, food safety technologies must go through multiple agencies for approval, often adding years of delay.

In this era of limited budgets, it is our responsibility to modernize and streamline the food safety system. The U.S. simply cannot afford to continue operating multiple systems.

While my comments up to this point have focused on the value of having one agency responsible for all food safety efforts, I would like to explain why I believe that such an agency must be a stand-alone food safety agency. A stand-alone food safety agency can have one driving goal — “to protect public health by significantly reducing the prevalence of foodborne hazards.” This could not be done by consolidating all food safety responsibilities under either the Department of Agriculture or the Department of Health and Human Services. These agencies have their own priorities which might conflict or take precedence over reducing foodborne illness. A stand-alone agency would have a separate budget and separate resources. Food safety priorities would not have to compete for resources with other agency priorities. For example, it would be difficult for food safety priorities to compete with priorities of the Department of Health and Human Services, such as cancer research or disease prevention services.

With the incidence of food recalls on the rise, it is important to move beyond short-term solutions to major food safety problems. A single, independent food safety and inspection agency could more easily work toward long-term solutions to the frustrating and potentially life-threatening issue of food safety.